THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 793 of 2007

Dated: 11.01.2007

Between:

Sirigana Venkateswarlu

… Petitioner

AND

The Agent to the Government and District Collector,
East Godavari District at Kakinada and four others.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.793 of 2007

O R D E R :

This writ petition is filed seeking writ of *mandamus* declaring the order in Form-F in C.M.A.No.140 of 2005, dated 06.01.2007 of the second respondent as illegal and arbitrary and consequently to set aside the same.

At the instance of the fifth respondent, the third respondent initiated proceedings under the Andhra Pradesh Scheduled Area Land Transfer Regulation, 1959. The third respondent, after hearing both sides, passed an elaborate order on 26.03.2004, wherein, he rejected the contention of the fifth respondent that the petitioner is holding the property in violation of the provisions of the Andhra Pradesh Scheduled Area Land Transfer Regulation, 1 of 1959. Questioning the said order, the fifth respondent filed C.M.A.No.140 of 2005 before the second respondent for an ejectment decree. The second respondent on 6.01.2007 passed ejectment decree directing the eviction of the petitioner. This decree is questioned in this writ petition.

A perusal of the impugned order shows that the second respondent has not assigned any reasons to overturn the well-considered order of the third respondent.

The learned Government Pleader fairly contends that since the order of the second respondent does not contain proper reasons, the same may be set aside and the matter be remitted to the second respondent for fresh consideration. The learned counsel for the

petitioner says that he has no objection for the said course.

In view of the above, the order of the second respondent in C.M.A.No.140 of 2005 is set aside and the matter is remitted back to the second respondent with a direction to consider and dispose of the same afresh after hearing both the parties and giving reasons in support of the order to be passed.

Subject to the above observations, the writ petition is allowed.

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C.V.NAGARJUNA REDDY, J

Date: 11.01.2007
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